

**JUL 31 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

CESAR OSVALDO MENDOZA  
VARGAS; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 05-74794

Agency Nos. A96-339-652  
A96-339-653

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Cesar Osvaldo Medoza Vargas and Erika Pacheco, natives and citizens of  
Mexico, petition pro se for review of the Board of Immigration Appeals'

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

(“Board”) denial of their motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252.

The Board acted within its discretion in denying the motion to reopen because petitioners failed to submit new or previously unavailable evidence in support of their motion to reopen. *See* 8 C.F.R. §§ 1003.2(a) and (c); *Bhasin v. Gonzales*, 423 F.3d 977, 984 (9th Cir. 2005). Accordingly, we deny the petition for review.

**PETITION FOR REVIEW DENIED.**